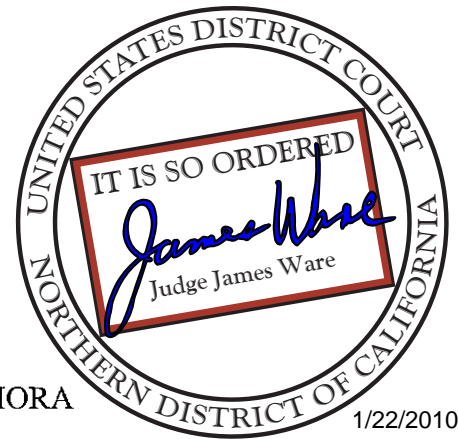


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9 Attorneys for Plaintiffs, FELISA ESTRADA and SERGIO ZAMORA



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELISA ESTRADA and SERGIO ZAMORA,
individually and on behalf of other similarly
situated persons,

Plaintiffs,

v.

SALYER AMERICAN, a California
Corporation; SALYER AMERICAN FRESH
FOODS, INC., a California Corporation; SK
FOODS, L.P., a California Limited Partnership;
SK FROZEN FOODS, LLC, a California
Limited Liability Company; THE SCOTT
SALYER REVOCABLE TRUST; RHM
INDUSTRIAL/SPECIALTY FOODS, INC., a
California Corporation; SCOTT SALYER,
individually and doing business as SALYER
AMERICAN; BANK OF THE WEST, a
California banking Corporation; AGSTAR
FINANCIAL SERVICES, PCA/FLCA; FCS
FINANCIAL, PCA; STEVE FRANSON; and
DOES 1 through 100, inclusive,

Defendants.

Case No. CV 09-05618 JW

**NOTICE OF VOLUNTARY
DISMISSAL OF PARTIES**

NOTICE IS HEREBY GIVEN that pursuant to Federal Rules of Civil Procedure
41(a)(1)(A)(i), plaintiffs voluntarily dismiss from the above-captioned action, defendants SK
FOODS, L.P and RHM INDUSTRIAL/SPECIALTY FOODS, INC without prejudice. All parties
are to bear their own attorneys' fees and costs.

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Date: January 19, 2010

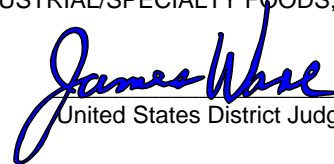
FITZPATRICK, SPINI & SWANSTON

/s/ _____
CHARLES SWANSTON
Attorneys for Plaintiffs
FELISA ESTRADA and SERGIO ZAMORA

IT IS SO ORDERED:

The Clerk shall terminate defendants SK FOODS, L.P and RHM INDUSTRIAL/SPECIALTY FOODS, INC. from the docket.

Dated: January 22, 2010


United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Monterey, State of California. I am over the age
3 of 18 and not a party to the within action; my business address is FITZPATRICK, SPINI &
SWANSTON, 838 S. Main Street, Suite E, Salinas, California 93901.

4 On January 19, 2010, I served the foregoing document(s), described as

5 **NOTICE OF VOLUNTARY DISMISSAL OF PARTIES**

6 on the interested parties in this action by placing a true copy thereof enclosed in a parcel and
7 addressed as indicated below and by the following means:

8 SK Foods, LP
9 c/o F. Scott Salyer
10 1175 19th Avenue
Lemoore, CA 93245

RHM Industrial/Specialty Foods, Inc.
c/o Richard B. Washburn
1175 19th Avenue
Lemoore, CA 93245

11 XX

(BY MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

16 _____ (BY OVERNIGHT DELIVERY) I enclosed the document(s) in an envelope or package and addressed to the person(s) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

19 _____ (BY PERSONAL SERVICE) I caused such document(s) to be delivered by hand to the office(s) of the addressee(s) during business hours.

21 _____ (BY FACSIMILE) I sent a true copy thereof via telephone facsimile transmission to the fax number(s) listed above. No error was reported by the fax machine that I used.

23 _____ (BY E-MAIL OR ELECTRONIC TRANSMISSION) By court order or by agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

27 I declare under penalty of perjury under the laws of the State of California that
28 the foregoing is true and correct, and that this declaration was executed on January 19, 2010, at Salinas, California.

/s/
Gladys O. Rodriguez